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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,991	11/21/2003	Neil G. Stockman	33406/US	9112
27076	7590	11/10/2005	EXAMINER	
DORSEY & WHITNEY LLP INTELLECTUAL PROPERTY DEPARTMENT SUITE 3400 1420 FIFTH AVENUE SEATTLE, WA 98101			OGDEN JR, NECHOLUS	
			ART UNIT	PAPER NUMBER
			1751	
DATE MAILED: 11/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,991

Applicant(s)

STOCKMAN ET AL.

Examiner

Necholus Ogden

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response to Amendment

Election/Restrictions

1. Applicant's election without traverse of claims 1-10 in the reply filed on 8-18-05 is acknowledged.
2. Claims 1-27 rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Aleles et al (6,181,603) is withdrawn in view of applicant's argument.

Response to Arguments

3. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Original claims 6 and 7 comprise a ferrous material and a non-ferrous material, respectively. The examiner has been unable to locate this subject matter in the specification. Appropriate clarification and/or corrections are required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 1751

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Franz (3,468,096).

Franz discloses a scouring pad comprising layers of non-woven fibrous material (see abstract); wherein the non-woven material comprises synthetic fibers, metallic fibers or various animal or vegetable fibers. Franz teaches that the metallic fibers may comprise steel wool and stainless steel fibers and the synthetic fibers include nylon (col. 2, lines 54-72). Franz further teach that said scouring pad has a washing compound such as soaps that are deposited within the scouring pads (col. 4, lines 49-60).

As this reference teaches all of the instantly required it is considered anticipatory.

7. Claims 1-6 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by McClain (3,451,758).

McClain discloses a scouring pad comprising a nonwoven fibrous material such as synthetic fibers, metallic fibers, or various animal or vegetable fibers and mixtures thereof. McClain teaches that the metallic fibers may comprise steel wool and stainless steel fibers and the synthetic fibers include nylon (col. 2, lines 60-65). McClain further teach that said scouring pad has a washing compound such as soaps and other anionic synthetic detergents that are deposited within the scouring pads (col. 4, lines 15-25).

Note, see example 1.

8. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Klein (3,175,331).

Art Unit: 1751

Klein discloses a scouring pad comprising layers of non-woven fibrous material (see abstract); wherein the non-woven material comprises synthetic fibers, metallic fibers or various animal or vegetable fibers. Franz teaches that the metallic fibers may comprise steel wool and stainless steel fibers and the synthetic fibers include nylon (col. 1, line 71-col. 2, lines 1-15). Franz further teach that said scouring pad has a washing compound such as soaps that are deposited within the scouring pads (col. 4, lines 54-60).

As this reference teaches all of the instantly required it is considered anticipatory.

9. Claim 1, 4 and 7 is rejected under 35 U.S.C. 102(b) as being anticipated by McDonell et al et al (5,282,900).

McDonell et al disclose a nonwoven cleansing article comprising organic fibers and dispersed throughout and adhered to the fibers are aluminum-based materials (col. 9, lines 40-68). McDonell et al further teach the inclusion of surfactants (Table 2).

As this reference teaches all of the instantly required it is considered anticipatory.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Art Unit: 1751

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClain (3,451,758).


McClain is relied upon as set forth above. Specifically, McClain does not teach with sufficient specificity to anticipate the claimed natural or synthetic sponge material of claim 8, however, it would have been obvious to the skilled artisan that McClain teaches the use of natural animal or vegetable fibers can broadly be classified as having sponge material. Therefore, it would have been obvious to assume that the organic material of McClain will have the characteristics of sponge material, absent a showing to the contrary.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholus Ogden whose telephone number is 571-272-1322. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Necholus Ogden
Primary Examiner
Art Unit 1751

No
11-7-05